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UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

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In the Matter of the Complaint of

Civil Action No: 13-315 (WJM)

:

SEASTREAK, LLC, as Owner of the
for Exoneration from or Limitation
of Liability

:

ANSWER OF GINA CIOFFI
(with jury trial demand)

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GINA CIOFFI (sometimes referred to as "Claimant"), by her attorneys, **FRIEDMAN, JAMES & BUCHSBAUM LLP**, for her answer to the Verified Complaint of Seastreak, LLC, hereby states as follows:

1. The statements contained in paragraph 1 of the Verified Complaint are not directed to Claimant and consist of narrative and/or conclusions of law which are properly resolvable by the Court. To the extent that Petitioner has failed to comply with the provisions of the Limitation of Liability Act, 46 U.S.C. § 30501 *et seq.*, Fed.R.Civ.P. 9(h) and/or Rule F of the Supplemental Rules for Admiralty and Maritime Claims, and to the extent that a response is required, the allegations contained in paragraph 1 of the Verified Complaint are denied.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Verified Complaint.

3. Admits the allegations contained in paragraph 3 of the Verified Complaint.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Verified Complaint.

5. Denies the allegations contained in paragraph 5 of the Verified Complaint.

6. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 6 of the Verified Complaint.

7. Denies knowledge or information sufficient to form a belief as to the allegations contained in paragraph 7 of the Verified Complaint.

8. Admits that the Verified Complaint was filed on January 16, 2013, and except as so admitted, avers that the remaining allegations contained in paragraph 8 of the Verified Complaint are conclusions of law properly resolvable by the Court and accordingly, are denied.

9. The allegations contained in paragraph 9 of the Verified Complaint are conclusions of law properly resolvable by the Court and accordingly, are denied.

10. The statements and/or allegations contained in paragraph 10 of the Verified Complaint consist of narrative, to which no response is required, and/or conclusions of law properly resolvable by the Court. To the extent that a response is required to the conclusions of law contained in paragraph 10 of the Verified Complaint, those allegations are denied.

11. The statements and/or allegations contained in paragraph 11 of the Verified Complaint consist of narrative, to which no response is required, and/or conclusions of law properly resolvable by the Court. To the extent that a response is required to the conclusions of law contained

in paragraph 11 of the Verified Complaint, those allegations are denied.

FIRST AFFIRMATIVE DEFENSE

12. The Verified Complaint fails to state a cause of action upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

13. The incident described in the Complaint occurred within the privity and/or knowledge of the vessel owner, its employees and/agents.

THIRD AFFIRMATIVE DEFENSE

14. The Ad Interim Stipulation filed by plaintiff/petitioner herein is insufficient and should be increased pursuant to Supplemental Admiralty Rule F(7).

FOURTH AFFIRMATIVE DEFENSE

15. The subject vessel, appurtenances, equipment and/or crew were unseaworthy at the commencement of the voyage.

FIFTH AFFIRMATIVE DEFENSE

16. There was no comparative or contributory fault by Claimant.

WHEREFORE, Claimant demands that the Verified Complaint be dismissed; that her right to a trial by jury and/or advisory jury be preserved with respect to all claims asserted by Claimant; that the stay issued by this Court be dissolved and Claimant permitted to proceed with her claim whether in the within Court or in a State Court of her choosing; that the claims submitted herewith be allowed to proceed; that Claimant be awarded pre-judgment interest and costs of suit; that plaintiff in limitation's right to exoneration and/or limitation of liability be denied; and/or that Claimant have such other, further and different relief as to the Court seems just and proper.

Dated: May 10, 2013

FRIEDMAN, JAMES & BUCHSBAUM LLP
Attorneys for Claimant GINA CIOFFI

By: /s/ Andrew V. Buchsbaum
Andrew V. Buchsbaum (AB-6495)

TO: **By ECF:**

Clerk of Court

All Counsel of Record